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PATENT
2569-0103P

IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT: Wells OBRECHT
APPL. NO.: 08/900,360 Art Unit: 2163
FILED: July 25, 1997 EXAMINER: DIAZ, S
FOR: METHOD AND APPARATUS FOR PROCURING GOODS IN AN
AUTOMATED MANNER

DECLARATION UNDER 37 C.F.R. § 1.131

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

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Sir:

The undersigned, Wells Obrecht, being a citizen of the United States residing at 211 Longwood Road, Baltimore, Maryland 21210 hereby declares and says as follows:

1. I am the sole inventor of the subject matter, in U.S. Application Serial No. 08/900,360 filed July 25, 1997. I am also the sole inventor of the priority document of that application which was a provisional application no. 60/023,282 filed July 25, 1996. All the work related to the subject matter of the present application and the provisional application was performed in the United States of America.

2. In an Appeal Brief filed May 12, 2001, it was questioned "what exact date is the Patent Office relying on?" This related to a declaration under 37 C.F.R. § 1.131 (Brief page 21). In an Examiner's Answer, the Examiner stated in reply to that question, the following: "however, the inventor only need to swear back to at least December 14, 1995" (Emphasis Added). This Declaration is presented to comply with the Examiner's new request in the Examiner's Answer (Examiner's Answer, page 23).

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3. Although arguments will be presented in a Reply Brief that positions in the Answer are not correct, this Declaration is only limited to complying to the Examiner's request as noted above.

4. Declarations that were signed on December 7, 1999 and June 8, 2000, presented evidence that the present invention was at least conceived and due diligence was made before the effective date of certain references. These Declarations are incorporated herein.

5. The December 14, 1995 date relates to what was identified in the Office Action as reference "W" which is titled "IBNL Declares 20% Stock Dividends: Source Interactive Software systems operational" dated December 14, 1995.

6. On or before December 14, 1995, December 14, 1995 being the effective date of the "W reference" (referred to above), I conceived and starting working continuously on the invention represented by the claims in the present application. I left my full-time employment to work on the invention in the context claimed full time. I continued to work on the invention claimed and made drafts of a paper which was published before February 23, 1996. The article is entitled "High Level Design Automotive Live Exchanges System (see the Declaration signed December 7, 1999, page 2, item 4). The article was identified as Exhibit A. The Declaration of December 7, 1999 was considered competent evidence to show, for example, conception, diligence, and reduction to practice (Office Action of February 17, 2000, page 2, section 1).


Accordingly, the totality of the evidence presented in the previous Declarations and in this Declaration establishes at least conception of the invention with diligence to the

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reduction of practice on or before the effective date of the reference "W" which is
December 14, 1995.

I hereby declare that all statements made herein of our own knowledge are
believed to be true, and further that these statements were made with the knowledge
that willful statements and the like so made are punishable by fine or imprisonment, or
both under Section 1001 of Title 18 of the United States Code and that such willful false
statements may jeopardize the validity of the application or any patent issued thereon.


Wells Obrecht


Date